Docket No. MIT-244

N THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Steven M. Bowman

Serial No.: 09/864,619

Art Unit: 2834

Filed

: May 24, 2001

Examiner: J. W. Woo

For

: GRAFT FIXATION DEVICE AND METHOD

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, plexandria, VA 22313-1450 on

(Date of Deposit)

E. Richard Skula
(Name of applicant, assignee, or Registered Representative)

(Signature)

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on April 2, 2003 and November 14, 2003.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §\$1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this 09/01/2004 BABRAHAI 00000067 100750 09864619

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information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with \$1.97(b), since this Information
Disclosure Statement is being filed either within three months
of the filing date of the above-identified national application
(other than a continued prosecution application under
\$1.53(d)), within three months of the date of entry into the
national stage of the above identified application as set forth
in \$1.491, or before the mailing date of a first Office Action
on the merits of the above-identified application, or before
the mailing date of a first Office Action after the filing of a
request for continued examination under \$1.114, no additional
fee is required.
In accordance with \$1.129(a), this Information
Disclosure Statement is being filed in connection with [] the
first or second After Final Submission, therefore:
Statement in Accordance with \$1.97(e)
(attached); or
☐ Please charge Deposit Account No. 10-
0750/ / the fee of $$180.00$ as set forth
in §1.17(p).

In accordance with \$1.97(c), this Information
Disclosure Statement is being filed after the period set forth
in \$1.97(b) above but before the mailing date of either a Final
Action under \$1.113 or a Notice of Allowance under \$1.311, or
an action that otherwise closes prosecution and that it is
accompanied by one of:

	Statement in Accordance with \$1.97(e)
	(attached); or
\boxtimes	Please charge Deposit Account No. 10-0750/MIT-
	214/ERS the fee of \$180.00 as set forth in
	§1.17(p).
☐ In a	accordance with \$1.97(d), this Information
Disclosure Sta	tement is being filed after the mailing date of
either a Final	Action under \$1.113 or a Notice of Allowance
under \$1.311	but before the payment of the Issue Fee.
Applicant(s) h	ereby petition(s) for consideration of this
Information Di	sclosure Statement. Included are: Statement in
Accordance wit	th §1.97(e) as set forth below and the fee of
\$180.00 as set	forth in §1.17(p).
57 Coni	as of each of the references listed on the
	les of each of the references listed on the PTO-1449 are enclosed herewith.
attached rorm	PIO-1449 are encrosed herewith.
☐ Copi	les of references listed on the attached Form PTO-
1449 are enclo	sed herewith EXCEPT THAT:
	In view of the voluminous nature of references
اسا	[list as appropriate], and the likelihood that
	these references are available to the Examiner,
	copies are not enclosed herewith.
	copies are not encrosed nerowren.
	If any of the foregoing publications are not
	available to the Examiner, Applicant will
	endeavor to supply copies at the Examiner's
	request.
	ies of only foreign patent documents and non-
-	cure are enclosed in accordance with 37 CFR 1.98
	U.S. patents and each U.S. patent application
<pre>publication li</pre>	sted on the attached Form PTO-1449 are not

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i).

There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows: WO98/37825 with its English Abstract.and WO99/52478 which is equivalent of AU 34925/99

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Copies of the references listed on the search report(s) are included except for those previously cited in an IDS mailed April 3, 2003 and November 14, 2003.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/MIT-244/ERS. This form is submitted in triplicate.

Respectfully submitted,

E. Richard Skula Reg. No. 31,061

Attorney for Applicants

Johnson & Johnson Plaza

DATED: QU9US1 37, 2004



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PTO/SB/08A (08-00)

Approved for use through 10/31/2002, OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Papenwork Reduction Act of 1995, no persons are required to respond to Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)
Sheet 1 of 1

a collection of information unless it displays	a valid OMB control number.
Application Number	09/864,619
Filing Date	May 24, 2001
First Named Inventor	S. Bowman
Group Art Unit	2837
Examiner Name	J.W. Woo
Attorney Docket Number	MIT-244

				U.S. PATENT DOCUMENTS		
	Cite	U.S. Patent Document		Name of Patentee or Applicant	Date of Publication	Pages, Columns, Lines, where relevant passages
Examiner Initials		Kind Code ²			of Cited Document	
		Initials No.1	Number	(if known)	of Cited Document	mm-dd-yyyy
		4,884,572		F. Barry Bays	12-05-1989	
		5,643,319		David T. Green	07-01-19 9 7	
		6,251,143	B1	Robert E. Schwartz	06-26-2001	
	1					

FOREIGN PATENT DOCUMENTS Foreign Patent Document Pages, Columns, Lines, Date of Publication of Cited Document where relevant Name of Patentee or passages or relevant Examiner Cite mm-dd-yyyy **Applicant of Cited Document** figures appear Initials Number⁴ KindCode5 Office³ No.1 ΕP 1 138 263 Ethicon, Inc. 10-04-2001 wo 98/37825 Synthes 09-03-1998 With its English Abstract 10-21-1999 wo 99/52478 AXYA Medical, Inc. Equivalent of AU 34925/99

Signature	Considered
*EXAMINER:	Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

TEXAMINER: Initial is reference considered, whether or not cliation is in commance with MPEP 809. Draw line through cliation is not in commands and not considered, include copy of this form with next communication to applicant.



SUBMISSION UNDER MPEP 609 D

Application Number	09/864,619	_
Filing Date	May 24, 2001	_
First Named Inventor	S. Bowman	
Group Art Unit	2837	_
Examiner Name	J.W. Woo	_
Attorney Docket Number	MIT-244	_

Page 1 of 1

Examiner Initials No.1 Name of Patentee or Applicant of Cited Document Of Cited Document Number (if known) Pages, Columns, Lines, where relevant passages or relevant figures appear

FOREIGN PATENT DOCUMENTS Foreign Patent Document Pages, Columns, Lines, where relevant passages or relevant figures Name of Patentee or Examiner Cite **Applicant of Cited Document** appear Number⁴ KindCode⁵ Office³ No.1 OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), T² Cite title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), Examiner No.1 volume-issue number(s), publisher, city and/or country where published Initials* Australian Examination Report for Australian Patent Application No. 28151/01 dated February 18, 2004 EPO Examination Report for EPO APPL. NO. 01 302 831.1 dated April 21, 2004
EPO Examination Report for EPO APPL. NO. 03 250 428.4 dated June 17, 2004

	Date
Examiner	
	Considered
Signature	